

## U.S. Department of Justice



United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

August 12, 2008

**BY FACSIMILE**

The Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 1320  
New York, New York 10007

USDC SDNY  
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Re: United States v. Kevin Witcher,  
08 Cr. 28

Dear Judge Preska:

A conference is currently scheduled before Your Honor in the above-referenced case on August 20, 2008, at 10:00 a.m. It was expected that pretrial services would have completed their review of the defendant's case by that date and, subject to that review, the defendant would sign a deferred prosecution agreement on that date. However, due to communication problems with the defendant, pretrial services needs additional time to complete their review. Therefore, the Government respectfully requests, with defense counsel's consent, that the conference before Your Honor on August 20, 2008, be delayed for approximately 30 days to allow pretrial services to complete their review.

① *The conference is adjourned to September 23, 2008 at 11:30*

If Your Honor is inclined to grant this adjournment, then the Government also respectfully requests, with defense counsel's consent, to exclude time under the Speedy Trial Act from August 20, 2008 until the new conference date pursuant to 18 U.S.C. § 3161(h)(8)(A), to allow pretrial services enough time to conduct this review, and so that defense counsel can review the

② *such exclusion is in the interests of justice*

SO ORDERED

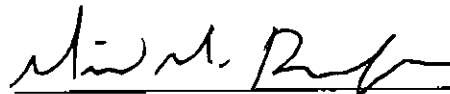
*Loretta A. Preska*  
LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE

deferred prosecution agreement and prepare for the conference  
before Your Honor.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:



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